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*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DONALD MCCALLISTER,

Plaintiff,

v.

JAMES DZURENDA, in their individual and  
official capacities; TERRY ROYAL, in their  
individual and official capacities;  
KENNETH WILLIAMS, in their individual and  
official capacities; JEREMY HATFIELD, in  
their individual and official capacities;  
JAYMIE CABRERA, in their individual and  
official capacities; ANTONIO BRYANT, in  
their individual and official capacities;  
JAMES ABADILLA, in their individual and  
official capacities; DONTRIL LIVINGSTON,  
in their individual and official capacities;  
SANDRA VALENCIA, in their individual and  
official capacities; WILLIE D. CLAYTON, in  
their individual and official capacities,

Defendants.

Case No: 2:24-CV-01440-GMN-BNW

**STIPULATED DISCOVERY PLAN AND  
SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

Plaintiff Donald McCallister ("Plaintiff") and Defendants JAMES DZURENDA, in their individual and official capacities; TERRY ROYAL, in their individual and official capacities; KENNETH WILLIAMS, in their individual and official capacities; JEREMY HATFIELD, in their individual and official capacities; JAYMIE CABRERA, in their individual and official capacities; ANTONIO BRYANT, in their individual and official capacities; DONTRIL LIVINGSTON, in their individual and official capacities; and SANDRA VALENCIA, in their individual and official

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capacities, by and through their respective counsel, submit this Stipulated Discovery Plan and Scheduling Order as required under Federal Rule of Civil Procedure 26(f) and Local Rule 26-1.

**FED. R. CIV. P. 26(F) CONFERENCE**

On January 31, 2025, the parties telephonically met and conferred regarding the below certifications and discovery plan. The discovery plan complies with LR 26-1(b).

**FED. R. CIV. P. 26(F)(3)(A)-(F) REPORT**

**A. What changes should be made in the timing, form, or requirement for disclosures under Fed. R. Civ. P. 26(a), including a statement of when initial disclosures were made or will be made.**

The parties agree that initial disclosures shall be made on or before February 28, 2025. Given Plaintiff's incarceration and the inherent difficulty regarding Plaintiff's ability to communicate with his counsel, additional time is needed for Plaintiff to prepare and serve his initial disclosures. Likewise, counsel for Defendants will benefit from the additional time to prepare and serve Defendants' initial disclosures.

**B. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues?**

The scope of discovery shall be as set forth under Fed. R. Civ. P. 26(b)(1).

**C. Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced.**

The parties do not anticipate any issues regarding electronically stored information.

**D. Any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502.**

The parties do not anticipate any issues regarding claims of privilege or of protection of evidence at this time.

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**E. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed?**

The parties agree that no changes are needed at this time.

**F. Any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c)?**

Pursuant to LR 26-1(c), the parties agree that before moving for any order relating to discovery, the movant must request a conference with the assigned magistrate judge.

**LR 26-1(B)(7)-(9) CERTIFICATIONS**

**1. Alternative Dispute Resolution.** The Parties discussed the possibility of using alternative dispute-resolution processes including mediation and arbitration, and they anticipate submitting this case for a settlement conference or early neutral evaluation prior to the close of discovery.

**2. Alternative Forms of Case Disposition.** The Parties discussed consent to trial by a Magistrate Judge under 28 U.S.C. § 636 and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). At this time, the Parties cannot reach agreement upon alternative forms of case disposition.

**3. Electronic Evidence.** The Parties discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The Parties believe that any electronic evidence to be provided or presented would be compatible with the Court's electronic jury evidence display system and have not entered into any stipulations regarding electronic evidence at this time.

**DISCOVERY PLAN**

**1. Discovery Cut-Off Date.** On January 17, 2025, Defendant filed their Answer to the Complaint. ECF No. 38. The discovery cut-off will be 270 days from today, **November 11, 2025**.

Pursuant to LR 26-1(a), the parties request special scheduling review to allow for an extended discovery period. In light of Plaintiff's incarceration, the parties anticipate certain delays in the discovery process and/or need for additional time in discovery, including but not limited to: (1)

1 Plaintiff's counsel's ability to communicate with Plaintiff regarding discovery responses from  
2 Defendants, given the inherent difficulties Plaintiff's counsel faces in getting in touch with Plaintiff  
3 via phone—Plaintiff anticipates the need for extended response deadlines to Defendants' written  
4 discovery requests, (2) the parties' ability to schedule Plaintiff's deposition, which will require  
5 coordination with Ely State Prison officials, (3) the parties' desire to participate in a settlement  
6 conference or early neutral evaluation, which will likewise require coordination with NDOC, Ely and  
7 High Desert State Prison officials, and (4) Plaintiff's counsel anticipates potential scheduling  
8 obstacles related to the Defendants' depositions, given their varying locations and work schedules.  
9 Accordingly, the parties respectfully request a 270-day discovery period.

10 **2. Amended Pleadings and Adding Parties.** The deadline for filing motion to amend  
11 the pleadings or to add parties is 90 days before the close of discovery. These amendments are  
12 therefore due on **August 13, 2025**.

13 **3. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).** Expert disclosures must be made  
14 must be made 60 days before the discovery cut-off date and rebuttal-expert disclosures must be made  
15 30 days after the initial disclosure of experts. Expert disclosures are due on **September 12, 2025**, and  
16 rebuttal-expert disclosures are due on **October 12, 2025**.

17 **4. Dispositive Motions.** The deadline for filing dispositive motions is 30 days after the  
18 discovery cut-off date. Dispositive motions are due on **December 11, 2025**.

19 **5. Pretrial Order.** The deadline for the joint pretrial order is 30 days after the dispositive  
20 motion deadline, **January 12, 2026** (32 days following dispositive motion deadline, as 30 days falls  
21 on a Saturday). If dispositive motions are filed, the deadline for filing the joint pretrial order will be  
22 suspended until 30 days after decision on the dispositive motions or further court order.

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1           **6. Fed. R. Civ. P. 26(a)(3) Disclosures.** Disclosures required under Fed. R. Civ. P.  
2 26(a)(3) and any objections to them must be included in the Joint Pretrial Order.

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4 Respectfully submitted by:

5 Dated this 14th day of February 2025

Dated this 14th day of February 2025

6 **SPENCER FANE LLP**

**OFFICE OF THE ATTORNEY GENERAL**

7 /s/ Jessica M. Lujan

/s/ Nathan M. Claus

8 JESSICA M. LUJAN, ESQ.

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11 *Attorney for Plaintiff*

*Attorney for Defendants*

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14 IT IS SO ORDERED:

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17 UNITED STATES MAGISTRATE JUDGE

18 DATED: February 18, 2025  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 14th day of February 2025, I electronically filed the foregoing **STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER** with the Clerk of the Court using the ECF system which served the parties hereto electronically.

/s/ Suri Guzman

An employee of **SPENCER FANE LLP**

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